

FACTSHEET

TITLE: ANNEXATION NO. 06006, requested by HiMark Golf, LLC, to annex approximately 1.14 acres, more or less, generally located at Gleneagle Court and Lamlee Circle.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/10/06
Administrative Action: 05/10/06

RECOMMENDATION: Approval (8-0: Larson, Carroll, Esseks, Strand, Cornelius, Krieser, Sunderman and Carlson voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. This is a request to annex approximately 1.4 acres of AG zoned land which has recently been converted to buildable residential lots.
2. The staff recommendation to approve the annexation request is based upon the "*Analysis*" as set forth on p.3, concluding that the proposed annexation is voluntary and at the request of the property owner. The request complies with the annexation policy of the Comprehensive Plan. No annexation agreement is required.
3. On May 10, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On May 10, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 15, 2006

REVIEWED BY: _____

DATE: May 15, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.06006

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 10, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation #06006

PROPOSAL: Application by HiMark Golf, LLC to annex a portion of the HiMark golf course that was recently converted to buildable residential lots.

LOCATION: Gleneagle Court and Lamlee Circle.

LAND AREA: 1.14 acres, more or less.

CONCLUSION: This proposed annexation is voluntary and at the request of the property owner. This request complies with the annexation policy of the 2025 Comprehensive Plan.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Outlot A, HiMark Estates 7th Addition, located in the NW 1/4 of Section 11, T9N R7E, Lancaster County, Nebraska. See attached metes and bounds description.

EXISTING LAND USE AND ZONING: Golf Course R-3 Residential

SURROUNDING LAND USE AND ZONING:

North:	HiMark Golf Course	AG-Agricultural
South:	Golf course clubhouse	R-3 Residential
East:	HiMark Golf Course	AG-Agricultural
West:	Single-family dwellings	R-3 Residential

HISTORY:

Oct 2005 Final Plat #05114 submitted to plat several residential lots over a portion of an existing outlot. The area within this plat must be annexed.

Mar 2005 Change of Zone #05001 changed the zoning on these lots to R-3 Residential.

May 1979 The zoning for these lots was changed from A-A Rural and Public Use to AG Agricultural as part of the zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential. (F 25)

The proposed annexation is within the City's Future Service Limit. (F 27)

The Comprehensive Plan's Annexation Policy is found on pages F-154 and F-155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City. (F 154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F 154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed. (F 154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (F 154)

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan. (F 155)

ANALYSIS:

1. This property has been zoned for residential development, and a final plat creating the lots has been submitted.
2. City services to serve this property are available in the adjacent streets.
3. A final plat for property such as this, which is contiguous to the city limits, would normally result in the automatic annexation of the area. However, state statute precludes automatic annexation whenever a portion of the plat allows a residential density of not more than one dwelling unit per acre. Since portions of HiMark Estates 10th Addition contain AG zoning, which requires 20 acres per dwelling unit, the City Council is required to act on the annexation of any portion of the plat area.
4. All necessary improvements have been addressed as part of the final plat, so no annexation agreement is being requested.

Prepared by:

Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov

Date: April 24, 2006

Applicant: Olsson Associates
Scott Osterhaus
1111 Lincoln Mall
Lincoln, NE 68508
474.6311

Owner: HiMark Golf, LLC
and 8901 Augusta Drive
Contact: Lincoln, NE 68520
(402) 488.7888

ANNEXATION NO. 06006

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 10, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman; Taylor absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 06031, ANNEXATION NO. 06006 and STREET AND ALLEY VACATION NO. 05008.**

Ex Parte Communications: None.

Larson moved to approve the Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand and Sunderman voting 'yes'; Taylor absent.

Note: This is final action on Special Permit No. 06031, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



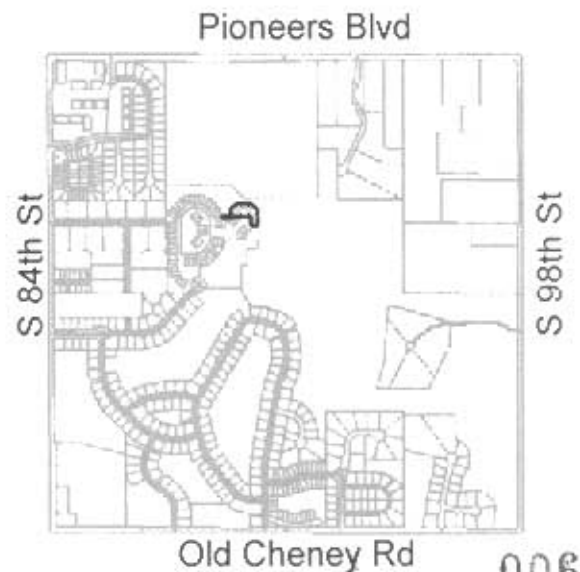
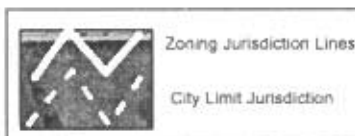
2005 aerial

Annexation #06006 S. 84th St. & Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 11 T9N R7E



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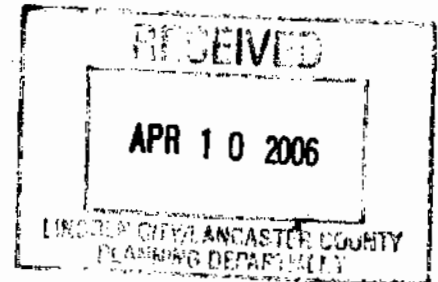
LEGAL DESCRIPTION
~~**CHANGE OF ZONE**~~
ANNEXATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "A" HIMARK ESTATES 7TH ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF OUTLOT "A" HIMARK ESTATES 4TH ADDITION, SAID POINT BEING A SOUTH CORNER OF OUTLOT "A" HIMARK ESTATES 7TH ADDITION, SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE WEST ALONG A SOUTH LINE OF SAID OUTLOT "A" HIMARK ESTATES 7TH ADDITION, ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 53 MINUTES 26 SECONDS WEST, A DISTANCE OF 78.08 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 07 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 94.92 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 83 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 116.91 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE SOUTH 82 DEGREES 27 MINUTES 14 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 75.58 FEET TO A NORTH CORNER OF SAID OUTLOT "A", THENCE SOUTH 78 DEGREES 34 MINUTES 59 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 49.08 FEET TO A SOUTH CORNER OF SAID OUTLOT "A", THENCE NORTH 87 DEGREES 30 MINUTES 04 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "A", A DISTANCE OF 88.70 FEET TO A SOUTHWEST CORNER OF SAID OUTLOT "A", THENCE NORTH 14 DEGREES 25 MINUTES 13 SECONDS WEST ALONG A WEST LINE OF SAID OUTLOT "A", A DISTANCE OF 16.77 FEET TO A POINT, THENCE NORTH 89 DEGREES 53 MINUTES 26 SECONDS EAST, A DISTANCE OF 95.82 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 84.84 FEET TO A POINT, THENCE NORTH 54 DEGREES 50 MINUTES 14 SECONDS EAST, A DISTANCE OF 109.18 FEET TO A POINT, THENCE SOUTH 86 DEGREES 33 MINUTES 22 SECONDS EAST, A DISTANCE OF 143.91 FEET TO A POINT, THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, A DISTANCE OF 108.28 FEET TO A POINT, THENCE SOUTH 03 DEGREES 16 MINUTES 02 SECONDS WEST, A DISTANCE OF 55.78 FEET TO A POINT, THENCE SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST, A DISTANCE OF 112.02 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 49,565.18 SQUARE FEET OR 1.1379 ACRES, MORE OR LESS.



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS



April 6, 2006

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 So. 10th St., Suite 213
Lincoln, NE 68508

RE: HiMark Estates
10th Addition Annexation
OA Project No. 2004-0397

Dear Mr. Krout:


On behalf of the owner, HiMark Golf LLC, we are requesting annexation for the portion of HiMark 10th Addition that is not currently in the city limits. Please refer to the attached Exhibit and Legal Description.

Enclosed please find the following documents:

1. Exhibit
2. Legal Description

Please contact me if you have any questions or require any additional material.

Sincerely,


Scott Osterhaus

cc: Guy Lamlee, HiMark Golf LLC
File

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